

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE EASTERN DISTRICT OF NORTH CAROLINA**  
3                                   **WESTERN DISTRICT**

**FILED**

OCT 22 2012

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY AAV DEP CLK

6 **Gustavo Romanello** )

7 **Acela Romanello** )

9                   **V.** )                   **Civil Case No. 5:12 cv 371 FL**

12 **BankUnited, Inc. et al.** )

13                                   **MEMORANDUM IN SUPPORT OF**  
14                                   **MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

16                                   **FACTS**

18 **On June 20<sup>th</sup>, 2012, Plaintiffs commenced an action against Defendants for violations of the**  
19 **Fair Debt Collection Practices Act (FDCPA) 15 USC sec 1692 et seq., the North Carolina**  
20 **Prohibited Acts by Debt Collectors Act (NCDCA) (NCGS 75-50 et seq.), and the North**  
21 **Carolina Unfair Trade Practices Act (NCGS 75-1.1).**

22 **On July 30<sup>th</sup>, 2012 Plaintiffs filed a Motion to Amend the Case Caption.**

23 **On August 31<sup>st</sup>, 2012 Defendants Brock & Scott and Trustee Services of Carolina, filed a**  
24 **Motion to Dismiss pursuant to FRCP 12 (b)(6).**

26 **On September 4<sup>th</sup>, 2012 Defendants BankUnited, Ragsdale Liggett and Ashley H. Campbell**  
27 **filed a Motion to Dismiss pursuant to FRCP 12 (b)(6).**  
28

1 On October 9<sup>th</sup>, 2012 Plaintiffs filed a Response to Defendants Motion to Dismiss and  
2 requested this Court to grant them Leave to amend their complaint.

3  
4 **ARGUMENT**

5 The rules of Court provide on rule 15 (a) that "...leave shall be freely given when justice  
6 requires", see Forman v. Davis 371 U.S. 178, 182 (1962) "...Court should grant leave freely  
7 to amend complaint", Exhibit A.

8 Plaintiffs respectfully requests this Motion for Leave to file an Amended Complaint be  
9 granted and that the Order be entered.

10  
11 Submitted this 22<sup>nd</sup> of October, 2012

12  
13 Sincerely,

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